

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CAREFREE PARK CORPORATION,

Plaintiff,

v.

C.A. No. 03-CV-12426 RCL

ADIB NABHAN,

Defendant.

**JOINT MOTION TO EXTEND DISCOVERY DEADLINE**

Carefree Park Corporation ("Carefree park") and Adib Nabhan ("Nabhan"), the parties in the above-captioned matter, hereby jointly move for an extension of the deadline for completing discovery in the case as follows:

1. Fact discovery to close December 1, 2004.
2. Plaintiff to disclose experts by December 31, 2004.
3. Defendant to disclose experts by March 1, 2005.
4. Expert discovery to be completed by March 28, 2005.
5. Dispositive motions due by April 29, 2005.

In support of their motion, the parties state as follows:

Carefree Park filed this case in Essex Superior Court in Massachusetts on October 8, 2003. Nabhan removed the case to this Court on December 4, 2003. The case, which alleges claims of breaches of fiduciary duty in connection with a business in Florida, requires extensive document discovery, including third-party document discovery, much of which must be done in Florida. A number of depositions will also have to be done in Florida. Discovery was held in abeyance during the month of August because of the expiration of a prior deadline for completing factual discovery, a deadline that expired while a motion to compel and to extend

discovery was pending. It will be difficult, if not impossible, to complete discovery during September for a variety of reasons, including the fact that the defendant will be out of the country during the week beginning September 20<sup>th</sup>.

Given that the case is less than a year old and that even under the extended deadline for factual discovery the parties will still complete factual discovery within a year of the case's removal to this Court, the extension that the parties are seeking is not unreasonable. Moreover, because the proposed schedule shortens the period between the end of factual discovery and the date by which plaintiff must disclose its experts, the actual extension of the discovery period is only a month, from March 28, 2005 to April 29, 2005. The parties do not anticipate the need for any further extension.

For the foregoing reasons, the parties respectfully request that their joint motion to extend the discovery deadlines be allowed.

ADIB NABHAN,

By his attorney,

CAREFREE PARK CORPORATION

By its attorneys,

/s/ D. Valley

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Dated: September 14, 2004

#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand on September 14, 2004.

/s/ G. Jones

Gordon M. Jones, III